

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TRINIDAD MARTINEZ CRUZ,

Petitioner,

v.

DHS, et al.

Respondent.

CASE NO. 2:21-CV-1672-DGE

ORDER ADOPTING REPORT AND
RECOMMENDATION

In December 2021, Plaintiff, proceeding pro se, filed an application to proceed in forma pauperis (“IFP”) and a proposed petition for writ of habeas corpus under 28 U.S.C. § 2241. (Dkt. Nos. 1 and 4.) On January 10, 2022 this Court issued an order directing Plaintiff to show cause by February 7, 2022 why Plaintiff’s IFP application should not be denied after concluding that Plaintiff had enough money in his prison trust account to pay the \$5.00 filing fee for his habeas corpus petition. (Dkt. No. 5.) Plaintiff did not respond to the Court’s order to show cause.


On February 22, 2022, United States Magistrate Judge David W. Christel, finding that Plaintiff had not responded to the Order to Show Cause, issued a report and recommendation (“R&R”) recommending that Plaintiff’s complaint and this action be dismissed without prejudice for failure to prosecute. (Dkt. No. 6.) Judge Christel also recommended denial of Plaintiff’s IFP

petition. (*Id.*) Mail sent to Plaintiff's last known address was returned to the Clerk's office.
(Dkt. No. 7.)

The Court having considered the R&R and the remaining record, and no objections
having been filed, does hereby find and order as follows:

- (1) The R&R (Dkt. No. 6) is ADOPTED;
- (2) Plaintiff's Motion to Proceed IFP (Dkt. No. 1) is denied and this case is
DISMISSED WITHOUT PREJUDICE for failure to prosecute.
- (3) The Clerk is DIRECTED to send copies of this Order to Plaintiff and to the Hon.
David W. Christel.

Dated this 14th day of March, 2022.



David G. Estudillo
United States District Judge